

Appl. No. 10/618,994
Amdt. Dated August 17, 2006
Reply to Office Action of May 17, 2006

Amendments to the Drawings

Please amend the Drawings in accordance with the "Replacement Sheets"
submitted herewith.

REMARKS

This application has been reviewed in light of the Office Action mailed on May 17, 2006.

In the Office Action, the abstract was objected to because it exceeded 150 words. Applicants have hereby amended the abstract and it no longer exceeds 150 words, in accordance with MPEP §608.01(b). Withdrawal of this objection is respectfully requested.

In the Office Action, the specification was objected to because of two informalities. Applicants have hereby corrected these typographical errors and respectfully request withdrawal of this objection.

The specification has been amended to reflect the priority claim to U.S. Provisional Patent Application 60/396,240, filed on July 17, 2002, as recognized by the Official Filing Receipt mailed in connection with this application.

In the Office Action, the drawings were objected to because the “needle head 22” was not shown in any of the Figures. It was also indicated that the drawings and the reference numbers/letters should be enlarged and there should be one or two Figures per page for clarity. Applicants have hereby submitted formal drawings, while adding reference numeral 22 to the needle head on Fig. 2 and limiting the number of Figures per page to two. Each of the revised drawings sheets submitted herewith is labeled “Replacement Sheet.”

Independent claim 1 has been amended to define, inter-alia, “first” and “second” “side cutting edges”, and a “third cutting edge”. In one embodiment of the present invention as depicted in FIG. 5 of the drawings, the “first and second side cutting edges” may correspond to cutting edges 34 and the “third cutting edge” may correspond to edge 30. However, other

alternate arrangements for the “first,” “second” and “third” cutting edges are also envisioned.

Therefore, it is to be appreciated that the above discussion of the “cutting edges” should not be construed as limiting, but merely as exemplifications of one preferred embodiment. New independent claim incorporates similar language with respect to the “first,” “second” and “third” “cutting edges”. Such discussion also should not be construed to be limited to the arrangement depicted in FIG. 5.

In the Office Action, Claims 1-4, 10 and 12 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,342,397 to Guido in view of U.S. Patent No. 4,513,747 to Smith. It is respectfully submitted that the present invention is patentable over the combination of these two references. For example, the combination fails to disclose the recited “the upper surface and side surfaces intersecting to define opposed first and second generally convex side cutting edges extending to a pointed tip” as required by independent claim 1. One benefit of this feature is that the generally convex side cutting edges may increase the size of the incision to facilitate passage of the central needle shaft. Both references are clearly devoid of this feature. Accordingly, withdrawal of this rejection is respectfully requested.

Claims 5-7 stand rejected under 35 U.S.C. §103(a) over Guido, Smith and further in view of U.S. Publication No. 2004/0106948 to Cunningham. Guido and Smith have been discussed hereinabove. Claims 5-7 are at least patentable for the reasons independent claim 1 is patentable as discussed hereinabove. Also, please note the Cunningham ‘948 publication shares a common inventor(s) and common assignee with the subject application, and further has a later effective filing date than the subject application. Withdrawal of this rejection is respectfully requested.

Claims 8 and 9 stand rejected under 35 U.S.C. §103(a) over Guido, Smith, Cunningham and further in view of U.S. Patent No. 4,133,339 to Naslund. Claims 8 and 9 are at least patentable for the reasons independent claim 1 is patentable as discussed hereinabove. Also note our comments with respect to the Cunningham '948 application. Withdrawal of this rejection is respectfully requested.

Claim 11 stands rejected under 35 U.S.C. §103(a) over Guido, Smith and further in view of U.S. Patent No. 4,524,771 to McGregor et al. Claim 11 is at least patentable for the reasons independent claim 1 is patentable as discussed hereinabove.

New independent claim 15 also recites features of the present invention which patentably distinguish over the prior art. For example, none of the references either individually or in combination teach the recited "needled end including lower and upper opposed surfaces and single side surfaces extending continuously between the lower and upper surfaces and contiguous therewith, the upper surface and side surfaces intersecting to define opposed first and second generally arcuate side cutting edges extending to a pointed tip... the second needled end defining a maximum width inclusive of the first and second side cutting edges greater than a corresponding maximum width of the central shaft." Guido, Smith and the other references of record are devoid of these features.

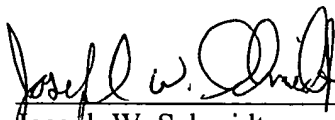
CONCLUSION

In view of the foregoing amendments and remarks, it is respectfully submitted that all claims pending in the application are in condition for allowance and patentably distinguishable over the art of record.

If the Examiner should have any questions concerning this communication or feels that an interview would be helpful, she is requested to call the Applicants' undersigned attorney at her convenience.

Respectfully submitted,

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